

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

DEIDRA LINDSEY,
Plaintiff,

vs.

**PROCOLLECT, INC.; and DOES 1
through 10, inclusive,**
Defendant.

Civil Action No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

COMPLAINT

I. INTRODUCTION

1. This is an action for statutory damages brought by plaintiff Deidra Lindsey an individual consumer, against defendant ProCollect, Inc., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”), which prohibit debt collectors from engaging in deceptive acts and practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d), and 28 U.S.C. § 1337. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff, Deidra Lindsey is a consumer, a natural person allegedly obligated to pay any debt, residing in Bradley County, in the state of Tennessee.

4. Defendant, ProCollect, Inc., is a foreign corporation engaged in the business of collecting debt in this state with its principal place of business located in Texas. The

principal purpose of Defendant is the collection of debts in this state and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

6. Upon information and belief, within one year prior to the filing of this complaint, Defendant placed collection calls to Plaintiff, seeking and demanding payment for an alleged consumer debt owed under an account number.

7. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

8. Upon information and belief, Defendant began contacting Plaintiff and placing collection calls to Plaintiff sometime prior to July 25, 2012.

9. Upon information and belief, on or about March 30, 2012, Defendant lied to Plaintiff and gave her the impression that if her attorney called them by a specific date, it would not negatively report information on her credit, when this was not true and/or misleading, and it cannot negatively report information on her credit.

V. FIRST CLAIM FOR RELIEF

11. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

12. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

- (a) Defendant violated §1692e(10) of the FDCPA by using false, deceptive, or misleading representation or means in connection with the collection of Plaintiff's alleged debt; and
- (b) Defendant violated §1692e(2)(B) of the FDCPA by falsely representing the services rendered or compensation which may be lawfully received by the Defendant for the collection of the alleged debt; and
- (c) Defendant violated §1692e(5) of the FDCPA by threatening to take action that it did not intend to take.

13. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

14. As a result of the foregoing violations of the FDCPA, Defendant is liable to the plaintiff, Deidra Lindsey, for statutory damages and costs and attorney fees.

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WHEREFORE, Plaintiff Deidra Lindsey respectfully requests that judgment be entered against defendant ProCollect, Inc. for the following:

- A. Statutory damages.
- B. Costs and reasonable attorney fees.
- C. For such other and further relief as the Court may deem just and proper.

DATED: February 14, 2013

RESPECTFULLY SUBMITTED,

By: /s/Shireen Hormozdi
Shireen Hormozdi
Hormozdi Law Firm, LLC
1770 Indian Trail Lilburn Road
Suite 175
Norcross, GA 30093
Tel: 678-395-7795
Tel: 323-988-2400 x267
Fax: 866-929-2434
shireen@hormozdilaw.com
Counsel for Plaintiff,
Deidra Lindsey

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that plaintiff, Deidra Lindsey, demands trial by jury in this action.